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**\*E-FILED - 7/24/07\***

7 **UNITED STATES DISTRICT COURT**  
8 **NORTHERN DISTRICT OF CALIFORNIA**  
9 **SAN JOSE DIVISION**

10 \_\_\_\_\_) Master File No. C-06-4459 (RMW)  
11 In re BEA SYSTEMS, INC. DERIVATIVE )  
12 LITIGATION )  
13 \_\_\_\_\_)  
14 This Document Relates To: )  
15 All Actions )  
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**STIPULATION AND [PROPOSED]  
ORDER POSTPONING THE HEARING  
AND EXTENDING THE FILING  
DATE FOR THE OPPOSITION  
TO THE MOTION TO DISMISS**

14 WHEREAS, on March 12, 2007, Plaintiffs filed an Amended Consolidated Complaint;  
15 and

16 WHEREAS, on April 26, 2007, Nominal Defendant BEA Systems and Defendants  
17 Thomas M. Ashburn, Carol A. Bartz, Barbara J. Britton, Mark T. Carges, Sam Cece, Alfred S.  
18 Chuang, William T. Coleman, Mark P. Dentinger, Matthew S. Green, Stewart K.P. Gross,  
19 William M. Klein, Ivan M. Koon, William H. Janeway, Joseph H. Menard, Dean Morton, Tod  
20 Nielsen, Edward W. Scott, Jr., Robert A. Shipp and Deborah Stanley (collectively,  
21 “Defendants”) filed Motions to Dismiss the Amended Consolidated Complaint; and

22 WHEREAS, a hearing has been scheduled for September 14, 2007 on the pending  
23 Motions to Dismiss; and

24 WHEREAS, the Parties have had numerous discussions related to the outcome of the  
25 BEA Audit Committee investigation, and such discussions continue; and

26 WHEREAS, the Parties wish to postpone further briefing and the scheduled hearing on  
27 the Motions to Dismiss in order to facilitate such further discussions.

28 STIPULATION POSTPONING THE HEARING AND  
EXTENDING THE FILING DATE FOR THE  
OPPOSITION TO THE MOTION TO DISMISS

1 THEREFORE, the Parties stipulate, subject to the approval of the Court, to the following:  
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3 1. The hearing scheduled for September 14, 2007 is hereby rescheduled to October  
4 12, 2007.  
5  
6 2. Plaintiffs' time to file an opposition to Defendants' Motion to Dismiss shall be  
7 extended to September 7, 2007.  
8  
9 3. Defendants shall file and serve any reply to Plaintiffs' opposition by September  
10 28, 2007.

11 DATED: July 20, 2007

12 SCHUBERT & REED LLP



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21 Lead Counsel for Plaintiffs

22 DATED: July 20, 2007

23 WILSON SONSINI  
24 GOODRICH & ROSATI

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wF)  
Ignacio E. Salceda  
w/ per. v.

27 Counsel for Nominal Defendant BEA Systems,  
28 Inc. and Defendants Thomas M. Ashburn, Carol

28 STIPULATION POSTPONING THE HEARING AND  
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OPPOSITION TO THE MOTION TO DISMISS

1                   *A. Bartz, Barbara J. Britton, Mark T. Carges,*  
2                   *Sam Cece, Alfred S. Chuang, William T.*  
3                   *Coleman, Mark P. Dentinger, Matthew S. Green,*  
4                   *Stewart K.P. Gross, William M. Klein, Ivan M.*  
5                   *Koon, William H. Janeway, Joseph H. Menard,*  
6                   *Dean Morton, Tod Nielsen, Edward W. Scott, Jr.,*  
7                   *Robert A. Shipp and Deborah Stanley*

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STIPULATION POSTPONING THE HEARING AND  
EXTENDING THE FILING DATE FOR THE  
OPPOSITION TO THE MOTION TO DISMISS

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2 **ORDER**

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

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DATED: 7/24/07

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*Ronald M. Whyte*  
The Hon. Ronald M. Whyte  
United States District Court Judge

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